

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.

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CLERK U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
TOLEDO



Mary Ann Whipple
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In Re:)	Case No. 08-34323
)	
Craig D. Marietta and)	Chapter 7
Angelina M. Marietta,)	
)	
Debtors.)	JUDGE MARY ANN WHIPPLE

ORDER TO TRANSFER CASE

The court held a hearing on August 21, 2008, and a continued hearing on August 22, 2008, on the United States Trustee's motion to dismiss or transfer venue to the Eastern District of Michigan [Doc. # 5] and Debtors' cross-motion to transfer venue to this district [Doc. # 9].

Debtors commenced this case in this district on August 14, 2008. Under 28 U.S.C. § 1408, and for the reasons stated on the record, there is no basis for venue in this district. The proper venue for this case is the Eastern District of Michigan. The United States Trustee's motion properly invokes Federal Rule of Bankruptcy Procedure 1014(a)(2) in asking that the case either be dismissed or transferred to the proper venue. Under *Thompson v. Greenwood*, 507 F.3d 416 (6th Cir. 2007), the court has no authority to retain an improperly venued case over a timely objection of a party in interest. While the court agrees that venue is improper here, the court finds that transfer to the proper venue rather than dismissal is the appropriate

remedy. Under Rule 1014(a)(1), Debtors will be able to request the Eastern District of Michigan, as the court where venue is properly laid, to re-transfer the case to this district on the basis of the convenience of the parties if they still believe that is in their best interests.

For the foregoing reasons and as otherwise stated on the record by the court at the hearing,

IT IS ORDERED that the United States Trustee's motion to dismiss or transfer venue [Doc. # 5] be, and hereby is, **GRANTED**, provided, however, the case will be transferred and not dismissed; and

IT IS FURTHER ORDERED that Debtors' cross-motion to change venue [Doc. # 9] be, and hereby is, **DENIED**; and

IT IS FURTHER ORDERED that this case shall be transferred by the Clerk to the United States Bankruptcy Court for the Eastern District of Michigan, Southern Division at Detroit; and

IT IS FINALLY ORDERED that all deadlines established by and upon the filing of the case in this court are hereby vacated and shall be as set based upon docketing of the case in the Eastern District of Michigan and the scheduling of the first meeting of creditors in that district.